

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 ACDA-07 AGR-05 AID-05 CEA-01

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EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06

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TO SECSTATE WASHDC PRIORITY 8935

CONFIDENTIAL USUN 3513

FROM: LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: INFORMAL PLENARY ON DISPUTE SETTLEMENT AUGUST 30.

1. INFORMAL PLENARY AUGUST 30 COMPLETED DISCUSSION OF ANNEX 1A (CONCILIATION) WITH STATEMENTS FROM A NUMBER OF SPEAKERS. VARIOUS DRAFTING AMENDMENTS WERE PROPOSED. YUGOSLAVIA, USSR, FRANCE AND BAHRAIN OBJECTED TO THE USE OF THE UN SECRETARY-GENERAL (ARTICLE 3, SUBPARA. 4). ECUADOR SUPPORTED AN ACTIVE ROLE FOR THE SECRETARY-GENERAL IN CONCILIATION PROCEEDINGS. A BATTLE ABOUT THE PROVISIONAL MEASURES COVERED UNDER ART. 12, PARAGRAPH 2, OF THE MAIN TEXT IN IV WAS RENEWED AND OPPONENTS AGAIN EXPRESSED A RELUCTANCE TO HAVE PROVISIONS WHICH WOULD PERMIT PROVISIONAL MEASURES TO BE ORDERED BY A TRIBUNAL DURING CONCILIATION PROCEEDINGS. ON THE OTHER HAND, ART. 5 OF ANNEX 1A, WHICH IS A MILD VERSION OF PROVISIONAL MEASURES, SEEMED TO BE GENERALLY ACCEPTABLE.

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THE FOLLOWING WERE SEVERAL OTHER TRENDS EXPRESSED IN

THE MEETINGS TODAY. SEVEN DELEGATIONS SUPPORTED THE FRENCH
VIEW THAT THE PROCEDURES IN ANNEX 1A SHOULD BE A "MODEL"
BUT NOT COMPULSORY. LIBERIA, BAHRAM AND OTHERS EMPHASIZED
THAT THE PARTIES TO A DISPUTE SHOULD BE FREE TO CHOOSE
THE CONCILIATION PROCEDURES WHICH THEY DESIRE.

2. PERU SUGGESTED THAT ART. 3 OF ANNEX 1A SUBPARAGRAPH
4, RELATING TO APPOINTMENTS IN CASE OF DISAGREEMENT
BETWEEN PARTIES BE DELETED.

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